

OAH 16-6100-21118-3

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE METRO GANG STRIKE FORCE

In the Matter of Sean Trudo

NOTICE OF HEARING

TO: Sean Trudo, [STREET ADDRESS REDACTED], West St. Paul, MN 55118

YOU ARE HEREBY NOTIFIED that a hearing on this matter will be held on May 4, 2010 at 9:30 a.m. at the Office of Administrative Hearings, 600 Robert Street North, St. Paul, MN 55164.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Manuel J. Cervantes, Administrative Law Judge, Office of Administrative Hearings, telephone (651) 361-7945.

All mail sent to the Administrative Law Judge should be directed to P.O. Box 64620, St. Paul, Minnesota 55164-0620.

The hearing will be conducted pursuant to the contested case procedures set out in chapter 14 of Minnesota Statutes, and the Rules of the Office of Administrative Hearings, Minn. R. 1400.8505-8612. After the hearing is completed, the Administrative Law Judge will prepare a written decision.

A copy of the statutes and rules that govern how the hearing will be conducted may be purchased from the Minnesota Book Store, telephone (651) 297-3000, and is also available from the Minnesota Revisor of Statutes at www.revisor.leg.state.mn.us. Copies of the rules of the Office of Administrative Hearings may also be found at www.oah.state.mn.us.

The League of Minnesota Cities Insurance Trust (LMCIT) will represent the Metro Gang Strike Force at the hearing and intends to call the following witness to testify:

1. Danielle Monteith

ALLEGATIONS

Claimant alleges that \$1,825 in cash and personal property, in the approximate amount of \$2,300, was seized from him when a Metro Gang Strike Force (MGSF) officer arrested him on May 31, 2007. Claimant was arrested pursuant to a warrant for a parole violation. The police documents indicate that \$1,825 and personal property were seized from Claimant. The forfeiture process was initiated when Claimant was

served with a Notice of Seizure and Intent to Forfeit Property on May 31, 2007. Claimant subsequently and timely contested the forfeiture. The Second Judicial District sustained the forfeiture. Based on this, LMCIT denied the claims of Claimant.

The LMCIT has submitted the following documents as evidence:

1. LMCIT's Cover Letter to Judge, dated February 3, 2010.
2. Claimant's Notice of Appeal to LMCIT, filed February 2, 2010.
3. LMCIT's 1st Report, including
 - LMCIT's Analysis and Recommendations, dated November 19, 2009;
 - LMCIT's Letter of Denial of Claim and Rights Advisory, dated November 19, 2009;
 - Timeline of Events;
 - Register of Actions from MNCIS; and
 - MGSF report.
4. Claimant's Public Claim Report, dated October 23, 2009.
5. Second Judicial District Conciliation Court Order, dated August 20, 2007.
6. Application for Search Warrant, dated May 25, 2007.
7. Search Warrant Photographs, dated May 31, 2007.
8. Surveillance Briefing, dated May 31, 2007.
9. MGSF Supplemental Police Report, dated May 31, 2007.
10. MGSF Police Report, dated May 25, 2007.
11. Notice of Seizure and Intent to Forfeit Property, served May 31, 2007.
12. Authority to Detain, dated May 31, 2007.
13. Report of Investigation, dated May 24, 2007.
14. Evidence Inventory, dated May 31, 2007.
15. St. Paul Crime Laboratory Report, dated June 4, 2007.

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ISSUES

1. Did the Metro Gang Strike Force improperly seize Claimant's cash and personal property?

2. If so, what is the appropriate compensation?

ADDITIONAL INFORMATION

1. Claimant's failure to appear for the hearing will result in cancellation of the hearing and the Administrative Law Judge will make a decision based on the record. A written copy of the Judge's order will be sent to you.

2. If any party has good cause for requesting a continuance of the hearing, the request must be made in writing to the Administrative Law Judge at least five days prior to the scheduled date. A copy of the request must be served on the Metro Gang Strike Force c/o LMCIT, 145 University Avenue, St. Paul, MN 55103-2044.

3. If you decide you do not want to appear at the hearing and want the Judge to decide your claim based on the record, please notify the LMCIT in writing before the hearing date. The Judge will send you a written copy of his order within 30 days after he receives notice that you will not be appearing.

4. At the hearing, all parties have the right to be represented by an attorney or to represent themselves. The parties will have the opportunity to be heard orally, to present evidence, cross-examine witnesses, and to submit evidence and argument. A digital recording will be made of the hearing, a copy of which may be obtained for a charge of \$10.00. Parties may also request that a court reporter prepare a written transcript of the testimony at their own expense.

5. Enclosed you will find the following information provided by the Office of Administrative Hearings' website to assist you in preparing for the hearing: *Contested Case Hearing Preparation and Witness Guide*. If you need more information, *A Guide to Participating in Contested Case Proceedings* is available at the Office of Administrative Hearings' website www.oah.state.mn.us or by calling 651-361-7900.

6. Persons attending the hearing should bring all evidence bearing on the case, including any photographs, records, other documents, and witness(es).

7. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing must be made in writing to the Administrative Law Judge. A copy of the subpoena must be served on the other party(ies). A subpoena request form is available at www.oah.state.mn.us or by calling 651-341-7600.

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8. The Office of Administrative Hearings conducts proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court.

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9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large- print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at P.O. Box 64620, St. Paul, Minnesota 55164-0620, or call (651) 361-7900 (voice) or (651) 361-7878 (TTY).

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Dated: March 30, 2010

s/Manuel J. Cervantes
MANUEL J. CERVANTES
Administrative Law Judge